

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TOBY ANTHONY ROSA,

Petitioner,

v.

MARTIN GAMBOA,

Respondent.

Case No. 1:24-cv-01443-CDB (HC)

ORDER TRANSFERRING CASE TO THE
NORTHERN DISTRICT OF CALIFORNIA

(Doc. 1)

Petitioner Toby Anthony Rosa is proceeding on his petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. (Doc. 1). To the extent discernable, Petitioner challenges his state conviction entered by the Superior Court of Sonoma County. *Id.* at 4-5, 7-18. Sonoma County is located within the jurisdiction and venue of the San Francisco Division of the United States District Court for the Northern District of California.

When a habeas petition is filed by a person in custody under a state court judgment, and that state contains two or more federal judicial districts—such as California—the petition may be filed in either the judicial district in which the petitioner is presently confined, or the judicial district in which he was convicted and sentenced. *See* 28 U.S.C. § 2241(d). When a habeas petition challenges the petitioner’s conviction or sentence, e.g., a habeas petition brought pursuant to 28 U.S.C. § 2254, the district where the petitioner was convicted and sentenced is a more convenient forum because trial court records, witnesses, and other evidence related to the crime

and his conviction are usually located in that district. *See Braden v. 30th Judicial Cir. Ct. of Ky.*, 410 U.S. 484, 4998 & n.15 (1973). Thus, California courts generally transfer habeas actions challenging state convictions or sentences to the district where the petitioner was convicted and sentenced. *See, e.g., Tate v. Unknown*, No. 24-cv-756 JLS (LR), 2024 WL 2880583, at *1 (S.D. Cal. May 7, 2024) (citing *Braden*); *Gakuba v. Cal. Attorney Gen.*, No. 22-cv-07698 NC (PR), 2022 WL 17813143 at *1 (N.D. Cal. Dec. 16, 2022); *Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993).

Thus, the Court finds in its discretion “and in furtherance of justice” the petition should be transferred to the Northern District of California. 28 U.S.C. §§ 1404(a), 2241(d).

Conclusion and Order

Accordingly, it is HEREBY ORDERED:

1. The Clerk shall transfer this action to the United States District Court for the Northern District of California, San Francisco Division; and

2. All future filings shall reference the new case number assigned and shall be filed at:

United States District Court
Northern District of California
San Francisco Division
450 Golden Gate Avenue
San Francisco, CA 94102

IT IS SO ORDERED.

Dated: January 3, 2025


UNITED STATES MAGISTRATE JUDGE